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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON,)
)
Plaintiff,)
)
v.)
)
CABINET CRAFTERS, INC.; RICHARD)
G. LIVINGSTON, individually and as)
Trustee of the Livingston Family)
Irrevocable Trust; MICHAEL J.)
LIVINGSTON, individually and as)
Trustee of the Livingston Family)
Irrevocable Trust; LARRY L.)
LIVINGSTON, individually and as)
Trustee of the Livingston Family)
Irrevocable Trust,)
)
Defendants.)
)

2:08-cv-02060-GEB-EFB
ORDER RE:
NOTICE OF SETTLEMENT

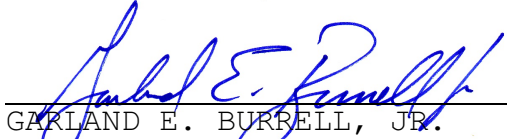
On November 21, 2008, Plaintiff filed a Notice of Settlement in which he states: "the parties have settled this action" and a dispositional document will be filed within 20 calendar days. Therefore a dispositional document shall be filed no later than December 11, 2008. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See L.R.

1 16-160(b) ("A failure to file dispositional papers on the date
2 prescribed by the Court may be grounds for sanctions.").

3 The status (pretrial scheduling) conference scheduled for
4 December 12, 2008, is reset for hearing on January 20, 2009, at
5 9:00 a.m., in the event no dispositional document is filed, or if
6 this action is not otherwise dismissed. Further, a Joint Status
7 Report shall be filed fourteen days prior to the status (pretrial
8 scheduling) conference.¹

9 IT IS SO ORDERED.

10 Dated: November 24, 2008

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13 _____
GARLAND E. BURRELL, JR.
United States District Judge

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25 _____
26 ¹ The status (pretrial scheduling) conference remains on
27 calendar because the mere representation that an action has settled
28 does not justify removing the action from the calendar. Cf. Callie
v. Near, 829 F.2d 888, 890 (9th Cir. 1987) (indicating that a
representation that claims have been settled does not necessarily
establish the existence of a binding settlement agreement).